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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
06/631,044	07/16/1984	DONALD L. SCOFIELD	67592	7443

7590 05/06/2005
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EXAMINER

TARCZA, THOMAS H

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Application Serial No 06-631,044

SECRECY ORDER

35 U.S.C. §§181-188

and

Permit for Disclosing Classified or "Classifiable" Subject Matter

The above-identified patent application contains subject matter which is either **classified** or "**classifiable**"¹ in the opinion of the sponsoring defense agency.

☒ This application is **CLASSIFIED** at the level of: ☐ TOP SECRET

☐ This application is NOT CLASSIFIED, ☐ SECRET
but would be **CLASSIFIABLE** at the level of:

DECLASSIFIED BY ORIGINATING AGENCY
CONFIDENTIAL

ALL PRINCIPALS² IN THIS APPLICATION ARE ORDERED TO KEEP THE SUBJECT MATTER THEREOF IN SECRECY UNDER 35 U.S.C. §181.

The subject matter of this application may not be published or disclosed to any person except as specifically authorized herein or subsequently authorized by written modification of this Secrecy Order granted by the Commissioner of Patents & Trademarks (see 37 CFR §5.5).

Unauthorized publication or disclosure of the subject matter of this patent application may result in abandonment of the application (35 U.S.C. §182) and additionally subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. §186.

The subject matter of this application must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by a method that will prevent disclosure of the contents or reconstruction of the document.

¹ The term "classifiable" as used herein refers to subject matter that is not actually classified but is sufficiently sensitive, in the opinion of the sponsoring defense agency named herein, to have been classified under E.O. 12356 if the subject matter were known to be owned by or under control of the U.S. government.

² "Principals" include all patent applicants, their heirs, assignees, licensees and their attorneys and agents.

This Order should not be construed in any way to mean that the U.S. Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention. Additionally, this Order is not authority in and of itself for classification of the subject matter of this patent application.

Any other patent application already or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified patent application also falls within the scope of this Order. If such other patent application is not currently under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter must be brought to the immediate attention of:

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This Secrecy Order was recommended to the Commissioner of Patents & Trademarks by the following sponsoring defense agency:

- ☐ ARMY
- ☒ NAVY
- ☐ AIR FORCE
- ☐ HOMELAND SECURITY
- ☐ _____

- Questions regarding the reasons for imposing this Secrecy Order should be directed to the sponsoring defense agency. A contact for each defense agency is attached.
- Questions regarding the substantive examination of the patent application should be directed to the patent examiner
- Questions pertaining to the administrative handling of the application or the Secrecy Order should be directed to the Licensing and Review Branch of the Patent & Trademark Office at (703) 305-0239.

Permit for Disclosing Classified or "Classifiable" Information

A. If the subject matter of this application is classified:

Disclosure of the subject matter of this application is authorized to persons with the appropriate personnel security clearance on a "need-to-know" basis under the provisions of Executive Orders 10865 and 12356 and the "Industrial Security Manual for Safeguarding Classified Information" provided the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Order is applicable to the subject matter disclosed.

Any declassification, in whole or in part, of the subject matter of this application does not modify this Secrecy Order. The requirements of this Secrecy Order remain in effect until it is rescinded or modified in writing by the Commissioner of Patents & Trademarks. If the subject matter is declassified, this fact should be brought to the attention of the sponsoring defense agency.

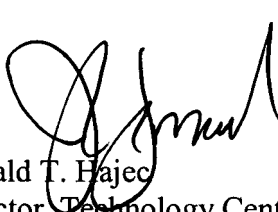
B. If the subject matter of this application is "classifiable" but not classified:

Principals to this Secrecy Order employed at a facility which has a current DoD Security Agreement (DoD Form 441) are authorized to disclose on a "need-to-know" basis the subject matter of this patent application to other persons at that facility having a personnel security clearance at least as high as the level of protection specified on page 1 of this Secrecy Order provided the provisions of the "Industrial Security Manual for Safeguarding Classified Information" (DoD 5220.22-M) are complied with³ and the authorized person to whom the subject matter is disclosed is furnished with a copy of this Secrecy Order and informed that this Secrecy Order is applicable to the subject matter disclosed.

Principals employed at a facility that does not have a current DoD Security Agreement must obtain prior written modification of this Secrecy Order from the Commissioner of Patents & Trademarks for any further disclosure of the subject matter of this application to any person. See 37 CFR §5.5.

This permit for disclosing classified or "classifiable" information does not authorize disclosure of the subject matter of the patent application through (1) the filing of any foreign application without specific permission of the Patent and Trademark Office, or (2) the export of any item, commodity or technical data without the required export license.

for


Donald T. Hajec
Director, Technology Center 3600
(703) 306-4180

³ Since the subject matter covered by this Secrecy Order is not actually classified, certain provisions of the Industrial Security Manual (ISM) may not strictly apply, such as derivative classification, downgrading/declassification instructions, and portion and page markings. Facilities encountering problems complying with any provisions of the ISM should directly query the defense agency sponsoring this Secrecy Order for appropriate security guidance.